

CITY OF CHANDLER

DRUG-FREE WORK ENVIRONMENT POLICY

I. PURPOSE

The City of Chandler recognizes that the use of alcohol and/or drugs inhibits a person from performing duties safely and effectively. It is the City's intention to maintain a safe, healthful, and productive work environment for its employees, and to uphold the City's reputation in the community. Accordingly, this policy is issued to provide consistent and relevant guidelines for all employees regarding the use of alcohol and drugs.

II. POLICY

- A. It is the City's goal to provide a safe, drug-free working environment. There is sufficient evidence to conclude that the use and abuse of controlled substances and/or alcohol will seriously impair an employee's physical and mental health, and thus, job performance. It is, therefore, the policy of the City of Chandler that employees shall not report to work after having participated in the illegal use of drugs or while under the influence of alcohol, nor shall they possess or use such substances while they are on duty. Employees shall be in an acceptable mental and physical condition at work to perform their jobs satisfactorily and safely. Employees who violate this policy are subject to disciplinary action up to and including termination.
- B. As a City of Chandler employee, it is the employee's responsibility to the community to act responsibly and safely while off duty. Employees that drive while over the legal alcohol limit or drive while under the influence of drugs or alcohol engage in conduct that may bring discredit to the City service and may be subject to disciplinary procedures up to and including termination.
- C. The City of Chandler is committed to providing reasonable accommodation (including rehabilitation) to those employees whose drug or alcohol problem classifies them as disabled under federal law, providing this disability does not prevent the employee from safely and efficiently performing the essential functions of the job. The Employee Assistance Program (EAP) is available to those employees who voluntarily seek help for alcohol or drug problems (see Section X of this policy for application).

Employees may contact their supervisor or Human Resources, for additional information, or call EAP directly.

III. APPLICATION

- A. This policy applies to all City of Chandler regular and probationary employees, including part-time, as defined by the City of Chandler Personnel Rules. All employees will be required to agree as a condition of employment to abide by the terms of this policy.
- B. This policy shall not apply to handling of drugs or alcohol required as part of a police or fire department employee's job functions as long as said handling is conducted and documented pursuant to the procedures of the department.

IV. DEFINITIONS

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Controlled Substance: A controlled substance as outlined in schedules I through V of Section 202 of the Controlled Substances Act (Title 21 of the United States Code 812).

Employee: For the purposes of this policy, an employee refers to all regular and probationary City of Chandler employees, including part-time, as defined by the City of Chandler Personnel Rules.

Damage To City Property: Any adverse affect of the City's interests, which shall include, but is not limited, to the City's reputation, loss in citizen confidence, loss of or damage to work, equipment, vehicles, facilities, tools, or property.

Driving Over the Legal Alcohol Limit: If the employee has an alcohol concentration of 0.08 or more within two hours of driving a motor vehicle and the alcohol concentration results from alcohol consumed either before or while driving the vehicle.

Driving Under the Influence: An employee is under the influence of intoxicating liquor, any drug, a vapor releasing substance containing a toxic substance, or any combination thereof if the employee while driving a motor vehicle, is impaired to at least the slightest degree.

Medication: Prescription and non-prescription medication, including legally prescribed controlled substances (barbiturates, amphetamines, morphine, etc.).

MRO: Medical Review Officer, a licensed physician with knowledge of substance abuse disorders and with appropriate medical training to interpret and evaluate a person's positive test result together with the individual's medical history and any relevant biomedical information.

Off-Duty: The time an employee is not performing job responsibilities affiliated with employment with the City of Chandler. This period includes all personal time of the employee.

On-Duty: The total paid time periods beginning at the time an employee is to report to work and terminating at the end of a normally scheduled work shift. This period specifically includes overtime (including call-outs); and paid/restricted stand-by time.

Positive Test Result: A positive drug/alcohol test as defined by .02 alcohol concentration level or higher for alcohol and/or a positive result for any illegal drug or its metabolite.

Safety-Sensitive Positions: Those positions which the City Manager designates as "safety sensitive" that perform safety sensitive functions that include specific items found in Section 382.107 of the Federal Motor Carrier Regulations. These positions include positions that hold duties which include the operation of any vehicle requiring a Commercial Drivers License (CDL); or control of the dispatch or movement of a vehicle used to transport 16 or more passengers; or maintenance of vehicles used to transport passengers or equipment used in providing passenger transportation.

Substance Abuse Professional: A person who is a licensed physician, a licensed or certified psychologist, social worker, employee assistance professional, or a certified addiction counselor who evaluates employees who have violated the Drug and Alcohol policy.

Substances: Alcohol, illegal drugs and medication, as well as "dangerous drugs", "narcotic drugs", "prescription-only drugs", "peyote", "marijuana", "precursor chemicals", "vapor-releasing substance containing a toxic substance, as defined by the Arizona Revised Statute, Title 13, Chapter 34, and included in Schedule I and II, as defined by the Section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under Chapter 13 of that Title.

Under The Influence: For the purposes of this policy, an employee is considered to be under the influence under any of the following circumstances:

- The employee's ability to perform the employee's duties is lessened in the slightest degree by the alcohol, drug or other substance as defined by this policy;
- The employee reports to work or, while on duty is determined to have an alcohol concentration of 0.02 or greater, or any substance as defined in this policy or its metabolite in the system shall be presumed to be under the influence of alcohol, drugs or other substance as defined in this policy.

An employee shall not be considered to be under the influence while on duty when taking medications that have the potential to interfere with the safe and effective performance of duties when:

- the employee has reported such usage to his/her supervisor according to Section VIII of this policy; and
- the supervisor has determined that the employee can safely perform his/her duties.

V. EMPLOYEE PERFORMANCE EXPECTATIONS

- A. It is the employee's responsibility to maintain satisfactory job performance. Unsatisfactory performance resulting from the use of alcohol, illegal drugs, or other controlled substances shall be subject to disciplinary procedures.
- B. An employee who reports to work, or is discovered by a supervisor while the employee is on duty, to be under the influence of alcohol, an illegal drug, or substance shall be deemed to have violated this policy.
- C. No employee in a safety-sensitive position shall perform safety-sensitive duties within four hours after using alcohol.
- D. All employees shall comply with the terms and the notification requirement in this policy. Failure to do so will be grounds for disciplinary action up to and including termination.

VI. DRUG/ALCOHOL TESTING

- A. Post-job offer, pre-employment drug testing
 1. All applicants selected for any position with the City of Chandler will be required to undergo post-job offer, pre-employment drug testing.

2. Applicants tested under this section will be advised that a positive test result, a refusal to take a test, adulteration or substitution of a specimen provided for testing is reason for disqualification for employment with the City of Chandler.
3. Applicants tested under this section who are confirmed positive may request, within 24 hours of notification, that the original specimen be analyzed again. All costs, to include shipping and handling for the retest, will be pre-paid by the applicant. If the retest is negative, any costs advanced shall be reimbursed by the City.
4. Applicants who test positive will be provided a copy of the test results.

B. Testing after an absence:

Current employees, including temporary employees, who have been in an unpaid status for at least 90 days, will be required to undergo a drug and alcohol test before being allowed to return to a paid status. Employees returning to a paid status from leave under the provisions of the Family Medical Leave Act (FMLA) are exempt from this requirement.

C. Random testing for safety-sensitive positions

1. Employees that hold safety-sensitive positions are subject to random testing in accordance with the Federal Motor Carrier regulations.
2. The percentage of positions that must be tested for alcohol and for controlled substances shall be in compliance with the testing rates as outlined by the Department of Transportation.
3. Random testing will be unannounced and spread reasonably through the calendar year. An employee that holds a safety-sensitive position shall be tested for alcohol while the driver is performing safety-sensitive functions, just before or just after the driver performs safety-sensitive functions.
4. The selection of employees for random alcohol and controlled substances testing shall be made by a scientifically valid method. Each employee shall have an equal chance of being tested each time selections are made.

5. Supervisors or designees shall notify employees selected for a random test to report to the test site immediately. However, if the employee is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the supervisor or designee shall instead ensure that the employee ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.

D. Reasonable cause (or suspicion) testing

1. All employees as specified in Section III above are subject to alcohol/illegal drug testing when the City has reasonable cause to believe that an employee is using drugs and/or alcohol while on duty, or that an employee is under the influence of alcohol/illegal drugs.
2. Reasonable cause or suspicion is based, but not limited to, specific observations concerning the appearance, behavior, speech, or body odors of the employee. Factors to be considered include, but are not limited to, slurred speech, red eyes, dilated pupils, incoherence, unsteadiness on feet, smell of alcohol or marijuana emanating from the employee's body, inability to carry on a rational conversation, increased carelessness, erratic behavior, inability to perform the job and/or other unexplained behavioral changes. In making observations, supervisors may take into account excessive absenteeism and statements from other employees or members of the public. Possession of unopened containers of alcohol, absent any other symptom, shall not constitute sufficient cause for a reasonable suspicion test.
2. If a supervisor believes reasonable cause or suspicion exists, the employee should be asked whether there is a reasonable explanation for the conduct. If the employee refuses to make a statement or if the supervisor continues to believe that there is reasonable cause to suspect that the employee is under the influence of alcohol/illegal drugs, the supervisor shall schedule the employee for a drug and/or alcohol test. Before scheduling an employee for a test, the supervisor shall seek the opinion of at least one other supervisor relative to the evaluation that reasonable cause or suspicion exists. If another supervisor is not available, the supervisor in charge will schedule testing in accordance with this policy and will notify his/her supervisor, the Department Head,

the Human Resources Director, and the City Attorney as soon as practicably possible of the situation and the steps taken.

Note: Supervisors of employees that hold safety-sensitive positions must have received at least 60 minutes each of training on the detection of alcohol misuse and use of controlled substances in order to recommend reasonable cause or suspicion testing.

4. Any employee reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall not be allowed to leave the work site in his/her vehicle. The employee shall be transported to the testing site, and subsequently home, by a supervisor, other City representative, law enforcement personnel, or taxicab.

Note: Employees that hold safety-sensitive positions will not be permitted to perform safety sensitive duties unless the alcohol concentration is less than 0.02 or unless 24 hours have elapsed since the determination of reasonable suspicion.

5. Employees in non safety-sensitive positions who are directed to submit to a drug or alcohol test will be directed to sign a consent release form authorizing the appropriate physician, Medical Review Officer (MRO), or other designated agency or personnel to perform the test and provide the results to the City. Refusal to sign a consent release form or refusal to submit immediately to an alcohol and/or drug analysis when requested or failure to contact the MRO within 72 hours of notification shall constitute insubordination and is subject to disciplinary action up to and including termination.

Note: Employees that hold safety-sensitive positions shall be tested for alcohol preferably within 2 hours of the determination of reasonable suspicion. If the test is not administered within 2 hours, the supervisor shall prepare and maintain a file on record stating the reasons the alcohol test was not promptly administered. In any event, if 8 or more hours have elapsed, attempts to administer an alcohol test shall cease and the reasons for not administering the test shall be documented in the record. A written record shall be made of the observations leading to a controlled substance reasonable suspicion test and signed by the supervisor who made the observations, within 24 hours of

the observed behavior or before the results of the controlled substances test are released, whichever is earlier.

E. Post-accident testing

1. **Safety-Sensitive Positions:**

Supervisors of employees in safety-sensitive positions shall comply with all requirements of the Federal Motor Carrier Safety Regulations as described below.

a. Following an accident, employees that hold safety-sensitive positions who were performing safety-sensitive duties with respect to the vehicle shall be administered an alcohol and 5 panel NIDA/drug test when:

- The accident involves a fatality, or
- The driver receives a citation for a moving traffic violation arising from the accident, if the accident involved:
 - Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle as per the Federal Motor Carrier Safety Regulation 382.107.

b. Alcohol testing shall be conducted preferably within 2 hours following the accident. If the test is not administered within 2 hours, the supervisor shall prepare and maintain a file on record stating the reasons the alcohol test was not promptly administered. In any event, if 8 or more hours have elapsed, attempts to administer an alcohol test shall cease and the reasons for not administering the test shall be documented in the record.

c. Testing for illegal drugs shall be conducted as soon as practicable following an accident. If a drug test is not administered within 32 hours after an accident, efforts to

test shall cease, and the supervisor shall prepare and maintain on file a record stating the reasons the test was not promptly administered.

- d. An employee who is subject to post-accident testing shall remain available for such testing or may be deemed to have refused testing.
- e. Nothing in this policy should be construed as to require the delay of necessary medical attention for injured people following an accident or prohibit the employee from leaving the scene of an accident for the period necessary to obtain assistance or to obtain necessary emergency medical care. Additionally, the employee subject to post-accident testing must refrain from consuming alcohol for eight hours following the accident or until he/she submits to an alcohol test, whichever comes first.
- f. An employee shall be subject to post-accident alcohol/illegal drug testing at any time if the City has reasonable suspicion or cause to believe the employee is under the influence of alcohol/illegal drugs. The procedure under Reasonable Cause (or Suspicion) Testing shall be followed.
- g. The supervisor shall provide the employee with necessary post-accident information, procedures, and instructions prior to the employee returning to the operation of a commercial motor vehicle.
- h. Any employee who is involved in an accident while on duty, which involves injury to any person, including the employee, and is discovered to have an alcohol concentration of 0.02 or greater subsequent to the accident shall be subject to termination.

2. Non-safety sensitive positions:

- a. An employee shall be subject to post -vehicle accident alcohol and/or 9 panel, non-NIDA drug testing at any time if the City has reasonable suspicion or cause to believe the employee is under the influence of alcohol/illegal drugs. The procedure under Reasonable Cause (or Suspicion) Testing shall be followed.

- b. An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed to have refused testing. Nothing in this policy should be construed as to require the delay of necessary medical attention for injured people following an accident, or to prohibit the employee from leaving the scene of an accident for the period necessary to obtain assistance or to obtain necessary emergency medical care.
- c. The supervisor shall provide the employee with post-accident information, procedures, and instructions prior to the employee returning to the operation of any City vehicle.
- d. Any employee who is involved in an accident while on duty, which involves injury to any person, including the employee, and is discovered to be under the influence of alcohol or drugs is subject to termination.

F. Return to duty testing

1. Employees who have successfully completed any treatment program recommended by a City-selected Substance Abuse Professional shall be tested for alcohol/illegal drugs before returning to duty.
2. Any employee in a safety-sensitive position shall be tested for alcohol/illegal drugs before returning to duty if:
 - The employee was found to have used alcohol within four hours before reporting to duty; or
 - The employee used alcohol within eight hours following an accident or prior to a post-accident alcohol test, whichever occurred first.
3. In addition, before returning to duty, such employee shall be evaluated by a city-selected Substance Abuse Professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or controlled substance use.

4. To be able to return to duty, the employee must test less than 0.02 on alcohol concentration and negative on illegal drugs.

G. Follow-up testing

1. Employees in safety-sensitive positions who have returned to duty after having passed a Return to Duty Test shall be subject to unannounced follow-up testing for alcohol and drugs. This shall consist of at least 6 tests during the first 12 months following return to duty, and at least 3 tests per year for the next 48 months.
 2. For those employees in safety-sensitive positions, alcohol follow-up testing shall be performed only while the employee is performing safety-sensitive duties or immediately prior to performing or immediately after performing these functions.
 3. Any employee testing 0.02 or greater for alcohol concentration or positive for illegal drugs on a follow-up test shall be terminated from employment.
- H. Employees who refuse to participate in testing (fail to provide adequate breath and/or urine, refuse to submit to the test, provide adulterated or substitute specimen, engage in conduct that obstructs the testing process or leave the scene of an accident before a test is administered) shall be subject to termination.
- I. Employees that hold non safety-sensitive positions tested under this section who are confirmed positive may request, within 24 hours of notification, that the original specimen be analyzed again.
- J. In accordance with the Federal Motor Carrier Safety Regulations, when the MRO has notified an employee that holds a safety-sensitive position that the employee has a verified positive drug test or refusal to test because of adulteration or substitution of the test specimen, the employee has 72 hours from the time of notification to request a test of the split specimen. The request may be verbal or in writing.
- K. In all cases the costs, to include shipping and handling for the retest, will be pre-paid by the employee. If the retest is negative, any costs advanced shall be reimbursed by the City.

- L. The Police Department may conduct random testing under its own policies.

VII. DISCIPLINARY ACTIONS

A. On-Duty Conduct

1. An employee who reports to work, or is discovered by a supervisor while the employee is on duty, to be under the influence of alcohol or an illegal drug, shall be in violation of this policy and shall be subject to termination. In addition, no employee that holds a safety-sensitive position shall perform safety-sensitive duties within four hours after using alcohol.
2. Employees in performing safety-sensitive duties testing 0.02 or greater but less than 0.04 on alcohol concentration will be suspended without pay for 30 calendar days and referred to the EAP for counseling and treatment. A second offense or an alcohol concentration test result of 0.04 or greater will result in termination.
3. Employees performing non-safety sensitive duties testing 0.02 or greater on alcohol concentration will be suspended without pay for 30 calendar days and referred to the EAP for counseling and treatment. Those that test 0.04 or greater may be considered for termination. The final decision as to whether the employee shall be terminated shall be in consultation with Human Resources and based on the employee's overall work record, prior disciplinary record, recommendation of the supervisor and the sensitivity of the position held. A second offense shall result in termination.
5. Any employee who is involved in an accident while on duty, which involves injury to any person, including the employee, and is discovered to have an alcohol concentration of 0.02 or greater or is under the influence of illegal drugs shall be terminated.
6. Any employee using alcohol on duty shall be subject to termination.
7. Employees who refuse to participate in testing (fail to provide adequate breath and/or urine, refuse to submit to the test, provide adulterated, diluted or substitute specimen or engages in conduct that obstructs the testing process) shall be subject to termination.

8. An employee reporting for duty or found on duty to have used any illegal drugs or testing positive for illegal drugs shall be subject to termination.
9. The use or unlawful manufacture, distribution, dispensing, or possession of opened containers of alcohol, illegal drugs or other controlled substances is prohibited in the workplace. Violators shall be subject to termination.

B. Off-Duty Conduct

1. Any employee that holds a City position that requires the incumbent to have a valid driver's license as written in the job classification and is driving over the legal alcohol limit while off duty will be suspended without pay for a minimum of 40 hours and may also be subject to demotion. The employee will be referred to the EAP for counseling and treatment. A second offense will result in termination.
 2. Attorneys within the City Attorney's office that drive over the legal alcohol limit while off duty will be subject to termination.
 3. Employees without a valid driver's license will have their driving privileges at work (both personal vehicle and city vehicles used for City business purposes) suspended. The City is not required to make work accommodations for employees that are required to drive as part of their job responsibility. The Department Director will review each situation on a case by case basis with the needs of the City and the best interest for the work unit in mind. If a non-driving/non-safety sensitive position is not available or appropriate, employees may take previously accrued vacation time or unpaid leave for up to 90 days or until their driving license is restored, whichever is sooner, with their supervisor's approval. Leave donations will not be authorized. If the employee is unable to provide proof of a valid driver's license or is unable to return to full duty after 90 days, the employee may be subject to dismissal from the City.
- C. Any employee driving a City vehicle while on duty or off duty and is under the influence of alcohol, drugs or other substances shall be terminated.
- D. Any employee that uses, possesses or sells illegal drugs or tests positive

for illegal drugs shall be terminated.

- E. Employees who withdraw from the EAP program or other rehabilitation treatment facility after having agreed or mandated to obtain treatment for an alcohol or drug abuse problem shall be subject to termination.
- F. Failure to comply with the terms of this policy and the notification requirement of this policy will be grounds for disciplinary action up to and including termination.
- G. Failure by the employee to notify his/her supervisor, before beginning work, that the taking of medications or drugs has the potential to interfere with the safe and effective performance of duties or operation of equipment, can result in disciplinary action up to and including termination.
- H. The possession of illegal drugs and/or opened containers of alcohol on City property, in workstations, in City equipment, in City vehicles, and/or in any City facility is strictly prohibited. Violators of this policy are subject to termination.
- I. The City of Chandler reserves the right to take disciplinary action, up to and including dismissal, in the event any employee's off-duty involvement with controlled substances or alcohol is damaging to the City's reputation or business or is inconsistent with the employee's job duties or when such off-duty conduct results in impairment of the employee's job performance. This determination will be at the sole discretion of the City.

VIII. USE OF MEDICATION

- A. Certain medications or drugs have the potential to interfere with safe and effective performance of duties or in the operation of equipment. Employees taking medication which has the potential to interfere with the safe and effective performance of duties or the operation of vehicles or City equipment shall report such use to their supervisors prior to going on duty.
- B. Supervisors shall determine whether employees can safely perform their duties. If there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician should be obtained through coordination with Human Resources.

IX. NOTIFICATION OF ALCOHOL, DRUGS AND/OR OTHER SUBSTANCES

A. Voluntary Notification

1. Regular employees who have passed their initial probationary period and who voluntarily notify their supervisors of having a substance abuse problem before having been notified of a required alcohol/illegal drug test, or before an incident involving alcohol and/or illegal drug use occurs which results in the City conducting a disciplinary investigation; and who refer themselves to the City's EAP or other treatment program, shall not be subject to disciplinary action as a result of their voluntary notification. However, the voluntary notification does not reduce the normal performance expectations or standards for performance of the employee's job, nor does it replace the normal disciplinary procedures for unsatisfactory job performance or conduct. The employee shall sign an agreement with the City agreeing to:
 - continue active participation in the EAP or other treatment program; and
 - submit to Return-To-Duty and unannounced Follow-Up Testing at any time; and
 - be discharged if the employee refuses to test, tests positive for illegal drugs or has an alcohol concentration of 0.02, or withdraws from the EAP and prescribed rehabilitation.
2. The employee will be subject to follow-up testing. If this test proves positive, the employee will be deemed to have violated the agreement and will be subject to termination.

B. Mandatory Notification

1. All employees are required to notify his/her supervisor, cost center manager or Department Director of any charge, arrest, or conviction for a violation of a criminal drug statute, immediately or by the next workday. Failure to notify his/her supervisor, cost center manager or Department Director will result in disciplinary action up to and including dismissal.

2. Employees that hold a safety sensitive position or a position that requires a valid driver's license are required to notify his/her supervisor, cost center manager or Department Director of any charge, arrest or conviction for driving over the legal limit for alcohol or driving under the influence immediately or by the next workday. Failure to notify his/her supervisor, cost center manager or Department Director will result in disciplinary action up to and including dismissal.
3. Employees taking medication which has the potential to interfere with the safe and effective performance of duties or the operation of vehicles or City equipment shall report such use to their supervisors prior to going on duty. Failure by the employee to notify his/her supervisor, before beginning work, that the taking of medications or drugs has the potential to interfere with the safe and effective performance of duties or operation of equipment, can result in discipline up to and including termination.

X. EMPLOYEE ASSISTANCE PROGRAM

- A. Taking its commitment to provide safe conditions to the public and its employees seriously, the City of Chandler maintains an Employee Assistance Program (EAP). The EAP offers confidential counseling, assessment, and other professional services in an effort to aid the employee who has substance abuse or related problems. The EAP's confidentiality shall only be breached in accordance with the laws of the State of Arizona. Employees violating this confidentiality shall be subject to disciplinary action. The City allows the use of leave in accordance with the City's Personnel Rules for attending counseling or treatment. Supervisors may also allow employees the use of City time to obtain counseling when scheduling permits.
- B. The use of the EAP or a substance abuse treatment program shall not be grounds for discipline, and an employee's performance ratings and promotional opportunities shall not be negatively impacted because of the use of these services. However, the use of these services does not reduce the normal performance expectations or standards for performance of the employee's job, nor does it replace the normal disciplinary procedures for unsatisfactory job performance or conduct.

XI. TRAINING AND EDUCATION

- A. The City provides an on-going drug-free awareness program that informs employees about the dangers of drug abuse in the workplace, the City's Drug-Free Work Environment policy including the potential penalties for

drug abuse violations in the workplace and information on any available counseling, rehabilitation and employee assistance programs.

B. Before an employee is assigned a safety-sensitive position, the employee shall receive educational materials, from the supervisor or other personnel, which includes information on:

- The City's drug and alcohol policy;
- The name of the person who can answer questions about the materials;
- The procedures that will be used to: test for the presence of alcohol and controlled substances; protect the employee and the integrity of the testing processes; safeguard the validity of the test results; and ensure that those results are attributed to the correct employee, including post-accident information and instructions.
- The effect of alcohol and illegal drug use on an individual's health, work, and personal life;
- The signs and symptoms of a personal alcohol or illegal drug problem or a co-worker's alcohol or illegal drug problem;
- Available methods of intervening when an alcohol or illegal drug problem is suspected, including confrontation, referral to an employee assistance program and/or rehabilitation program.

C. Supervisors of employees in safety-sensitive positions shall receive 60 minutes of training on alcohol abuse and 60 minutes on the use of illegal drugs. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and the use of illegal drugs.

XII. RELEASE OF ALCOHOL AND CONTROLLED SUBSTANCES TEST INFORMATION BY PREVIOUS EMPLOYERS

A. In accordance with procedures established by the Arizona Department of Transportation and the Federal Highway Administration, the City of Chandler must seek documentation from any previous employer for whom the prospective new employee has performed safety-sensitive duties within two years prior to the date of application, provided the employee

has given written consent. Information to be obtained concerns the employee's participation in the previous employer's controlled substance and alcohol testing program. Specific information includes:

- Alcohol tests with a result of 0.04 alcohol concentration or greater;
- Verified positive controlled substances tests results; and
- Refusals to be tested.

If feasible, this information must be obtained and reviewed prior to the first time an employee performs safety-sensitive functions. If not feasible, this information must be obtained and reviewed as soon as possible, but not later than 14-calendar days after the first time the employee performs safety-sensitive functions. If, after making a good faith effort, the supervisor is unable to obtain the information from the previous employer(s), then the supervisor shall make a record of the efforts that were made.

As this information is mandated by law, employees must provide this written consent as a condition of employment. If the prospective employee refuses to give this written consent, the job offer will be immediately withdrawn. If the employee has commenced employment, he/she will be terminated for having breached a condition of employment.

- B. Additionally, the City of Chandler may not use an employee in a safety-sensitive position if the City obtains information indicating the employee tested positive for controlled substances or tested at or above 0.04 alcohol concentration; or refused to test, unless there is evidence that the employee has completed a rehabilitation period, which includes a return to duty evaluation from a City-selected Substance Abuse Professional.

XIII. ALCOHOL AND/OR ILLEGAL DRUG POSSESSION

- A. The possession of illegal drugs and/or opened containers of alcohol on City property, in workstations, in City equipment, in City vehicles, and/or in any City facilities are strictly prohibited. Violators of this policy are subject to termination.
- B. The City of Chandler, through its designated managers and supervisors, reserves the right to search all areas and property over which the City maintains complete control or joint control with the employee. An employee's locker, closet, work area, desk, desk files, City-owned car, and

similar areas are subject to inspection at any time on a random or any other non-discriminatory basis for purposes of this program.

- C. Additionally, when probable cause that a crime is being committed exists, an employee's own car, lunch container, and like personal containers are subject to limited inspection when brought onto City property. Limited inspection means that none of the contents are to be touched or removed by inspecting employees. If a supervisor believes that an employee has illegal drugs in his/her possession, the supervisor shall immediately contact the police department and request that the police department handle the situation.

XIV. DRUG FREE WORKPLACE ACT

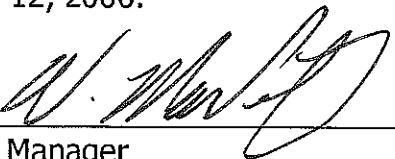
- A. In compliance with the Drug Free Workplace Act, the City shall:
- Notify the Federal Transit Administration agency within 10 days after receiving notice of Any criminal drug statute conviction for a violation occurring in the workplace.
 - Take appropriate personnel action against such employee up to and including termination or require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency within 30 days after receiving notice from an employee regarding a conviction of any criminal drug statute occurring in the workplace.

XV. OTHER

Nothing in this policy shall be interpreted as a limitation on the City's ability to discipline, including termination, an employee who has committed a criminal violation of the drug laws or was charged, arrested, or convicted of a Driving Under the Influence (DUI) pursuant to City of Chandler Personnel Rule 5, section 4.b (7), (8) or (16).

XVI. SUPERSESION

This policy rescinds City of Chandler Drug-Free Work Environment Policy dated May 12, 2000.



City Manager

9/29/04
Date

DRUG-FREE WORK ENVIRONMENT POLICY STATEMENT
EMPLOYEE ACKNOWLEDGEMENT RECEIPT

CITY OF CHANDLER

I, _____, have received a copy of the Drug-Free Work Environment Policy.

I have read and understand the City of Chandler Drug-Free Work Environment Policy and as a condition of employment, I will abide by the provisions of the Policy.

I will immediately, or by the next workday, notify my supervisor, cost center manager, or department head, in writing, of any charge, arrest or conviction for the violation of any criminal drug statute or violation of driving while over the legal alcohol limit.

Employee Signature

Date

DEFINITIONS

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

"Criminal drug statute" means a criminal statute involving manufacture, distribution, dispensation, use or possession of any controlled substance.